

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

## ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2007, upon consideration of the Government's Motion to Dismiss, it is hereby ORDERED that the motion is GRANTED and the defendant's Motion to Vacate Judgment pursuant to 28 U.S.C. §2255 is DENIED.

IT IS FURTHER ORDERED that, pursuant to 28 U.S.C. §2253(c), Petitioner has not made a substantial showing of the denial of a constitutional right and is not entitled to a certificate of appealability.

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UNITED STATES DISTRICT JUDGE

cm: All parties of record.